

PG3692USW
S/N 10/018,700

REMARKS

Currently claims 15, 17-24, 26-28, 30, and 32-49 are pending. Claims 1-14, 16, 25, 29 and 31 have been canceled. Claims 15, 17-18, 26 and 28 stand rejected; claims 19-24 and 27 are objected to; claim 30 is indicated as allowed.

1. Objection to the Abstract

The Abstract was objected to as containing legal phraseology. A replacement Abstract is submitted herewith.

2. Rejection under 35 USC 102(e)

Claims 15, 17-18, 26 and 28 stand rejected as anticipated by Chung et al. (US Patent No. 6,342,384).

The Office Action states that claims 16, 19-25, 27 and 29-31 are free of the art "because the art does not teach or suggest the specific cell densities in the bioreactor prior to the time of infection with the lytic organism, does not teach expression of recombinant proteins of interest by the infected cells in the bioreactor, does not teach the recited cell survival times post infection, does not teach re-populating the bioreactor with the cells remaining in the bioreactor after harvesting the lytic organism".

Claim 15 has been amended to recite that the cells reach a density of 10^6 cells per milliliter or greater, prior to infection with the lytic organism. Support for this amendment is found in the specification as filed, e.g. at page 7, line 33, continuing to page 8 (cell density of 10^6 , 10^7 , or 10^8 cells per milliliter at the time of infection).

Claims 17-18 and 26-28 are dependent on Claim 15. In view of the present claim amendments, Applicants submit that the present rejection has been obviated, and request its withdrawal.

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3. Indefiniteness Rejection

Claims 29 and 31 stand rejected as indefinite. These claims have been canceled.


4. Objection to claims dependent on a rejected base claim

The Office Action objected to Claims 19-25 and 27 as being dependent on a rejected base claim, but stated that these claims would be allowable if rewritten in independent format. Applicants have amended the claims to independent format, and request withdrawal of the present rejection.

5. Newly added claims 32-49

In view of the amendment of claims 19 and 21, Claims 32-49 have been added to provide a full set of dependent claims for each independent claim and contain no new matter. Support for these new claims is found in the specification and claims as originally filed. Entry of these newly added claims is respectfully requested.

Respectfully submitted,


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Enclosure: Replacement Abstract